



U.S. General Services Administration

## Federal Acquisition Service

# Using GSA Schedules for Professional Services

Dan Briest and Brad Powers  
GSA Management Services Center (Auburn WA)  
GSA PBS Webinar - November 2009

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### Webinar Administration

- Submit questions to [R10.Webinar@gsa.gov](mailto:R10.Webinar@gsa.gov)
- View slides at [www.vcall.com](http://www.vcall.com), Please see the email from Andy Randles .
- Keep your phone on "mute." Your phone is only for listening, not talking.
- Circulate the Sign-in Sheet now, printing all entries. (This will be faxed and will be the information used for your certificate.)
- Everyone needs the Required Handout (notetaking slides) and the Training Survey

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### Learning Objectives

- Overview of GSA Professional Services Schedules
- Basic Schedule Ordering – Overview of the Task Order Process
- Task Order Contracting: What Does the Schedule Contract Say?
- Complex Service Requirements: Contractor Teaming Arrangements & Blanket Purchase Agreements

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## Supplementary Material Handout

- A. List of GSA Multiple Award Schedules
- B. Some Service SINs & Schedules
- C. NAICS Codes Cross-Referenced to Service Schedules
- D. Why Contracting Officers Use GSA MAS
- E. GSA Schedule Task Order File Checklist
- F. Think Simplified (Not FAR Part 15)
- G. How to Find Schedule Contract Clauses
- H. Resources for Additional Information & Training

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## Scope of Professional Service Schedules

- Review scope of services Schedules
- Understand examples of in-scope and out-of-scope tasks

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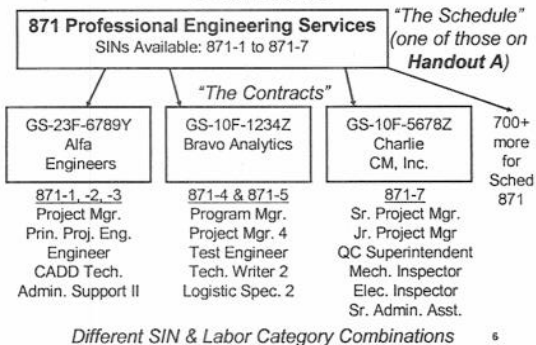
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## For Any One Schedule, Multiple Contracts



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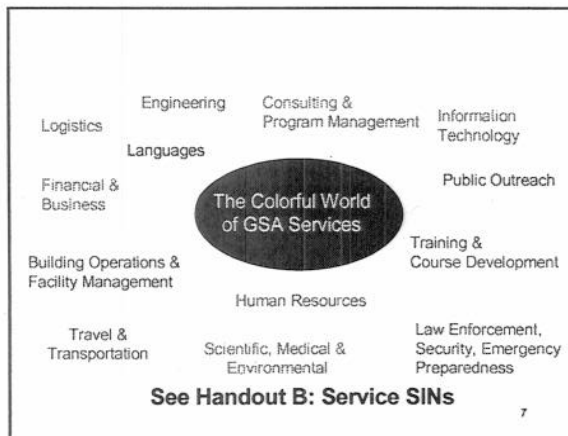
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### Did You Know Schedules Can Be Used for...?

- Recycling computer monitors (Environmental)
- Food service for soldiers in Iraq (Logistics)
- Agency reorganizations [even GSA's] (MOBIS)
- Aircraft electronic maintenance (Logistics)
- Commercial activity (A-76) studies (MOBIS)
- Translation of Osama bin Laden tapes (Language)
- Redesign avionics for Army helicopters (PES)

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### GSA Professional Services Schedules

- Professional Engineering Services (PES)
- Logistics Worldwide (LOGWORLD)
- Language Services
- Environmental Services
- Mission Oriented Business Integrated Services (MOBIS)
- Advertising and Integrated Marketing Services (AIMS)
- Financial and Business Solutions (FABS)
- Other Schedules With Services

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### Some Engineering Disciplines and Sub-Disciplines on 871 PES

Chemical  
Civil  
Electrical  
Mechanical

Aerospace  
Biotechnology  
Aeronautical  
Marine/Naval  
Mining  
Petroleum  
Industrial

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### Professional Engineering Services

- 871-1 Strategic planning for technology programs & activities
- 871-2 Concept development & requirements analysis
- 871-3 System design, engineering, & integration
- 871-4 Test & evaluation
- 871-5 Integrated logistics support
- 871-6 Acquisition & life cycle management
- 871-7 Construction management

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### Construction Management BPA for GSA Ordering Offices Only

- Multiple Award BPA
- 31 Contractors Available Nationwide
  - About half are small businesses
- Awards by Zone and Lot
  - Lots are based on project size and complexity
- Streamlined Ordering Procedures do **NOT** Require Asking all Contractors for a Quote
- Ordering Guide Available on PBS OneSource
  - <https://pbsonesource.gsa.gov/pbs/home.do>
  - Click "Construction Management/Project Management Services..."

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### Services Not Included in PES

- ✕ Architecture and engineering services under the Brooks Act, FAR Part 36
- ✕ Products, services, & materials already solicited under other FSS Schedule contracts (IT, environmental advisory, hazardous materials management advisory, paper, chemicals, pharmaceuticals, laboratory instruments)
- ✕ Research & Development if Cost-Type required

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### FAR Part 36

- Construction and Architect-Engineering services as set forth in FAR Part 36 (including construction of buildings, structures, or other real property) are outside the scope of all GSA Schedules, including PES.
- Some Schedules (but not PES) include SIN for "Ancillary Repair and Alteration"
- Carefully review FAR 36.601 definition of A&E for applicability to your PWS.

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### Logistics Worldwide Services (LogWorld)

- 874-501 Supply and Value Chain Management  
(including acquisition logistics)
- 874-503 Distribution and Transportation Logistics
- 874-504 Deployment Logistics
- 874-505 Logistics Training
- 874-506 Support Products
- 874-507 Operations and Maintenance Logistics  
Management & Support
- 874-597 Ancillary Repair and Alteration

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### Ancillary Repair & Alteration SIN

- 56 – Building & Building Materials
- 03 FAC – Facilities Maintenance & Management
- 71 II K – Comprehensive Furniture Management
- 874V – Logistics Worldwide

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### Ancillary Repair & Alteration Scope

- Work is incidental to the order
- Work is not new or major construction
- Work is not complex or related to a significant portion of the facility
- Work is not A&E services (FAR 36.601-4)
- Work is not in space leased by GSA PBS
- Work >\$100k in a PBS-managed space requires delegation of authority

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### Some LOGWORLD Tasks

- Design & Fabrication (in support of a logistics effort/process)
- System Testing
- Range & Communications Engineering (But any IT must be related to logistics application/task. No volume purchases or software development not related to Logistics tasks.)
- Remote site logistics support (National & International)
- Food Service / Motor Pool / Courier Service

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### More LOGWORLD Tasks

- Spares Support (to include purchase support if items are listed on GSA contract)
- Inventory Management
- Analysis of Distribution Points – Air, Road, Water, Rail or Pipeline
- Material Handling Training / Forklift Certification
- Planning (Scenarios, databases, after action review support, archive operational lessons learned)
- Train and mentor foreign military services in logistics methods and techniques

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### Not Within LOGWORLD Scope

- \*Manufacturing (but LOGWORLD can manage manufacturing process)
- \*Security (if not part of a larger logistics support task)
- \*Engineering Services
- \*IT systems integration, network services
- \*Volume purchase of IT hardware
- \*Software development, database design not specifically related to logistics
- \*Household goods moving/storage
- \*Commercial passenger airline services
- \*Local package delivery (Schedule 48: FedEx, UPS, etc.)

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### Language Services

- 382-1 Translation Services
  - 382-2 Interpretation Services
  - 382-3 Training Services and Educational Material
  - 382-4 Comprehensive Linguistic Analytic Support
  - 382-5 Services the Visual & Hearing Impaired
- but not this Schedule for:*
- \* Training not related to language (country briefings)
  - \* IT hardware & software
  - \* Language training requiring software licensing
  - \* Medical transcription services

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## Environmental Services

899-1 Environmental Consulting Services  
899-3 Environmental Training Services  
899-5 Materials and Waste Recycling & Disposal Services  
899-7 Geographic Information Systems (GIS) Services  
899-8 Remediation and Reclamation Services

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## Some Environmental Tasks

- Environmental Impact Statements
- Develop programs or regulations
- Risk Analysis or Vulnerability Assessments
- Environmental Compliance Audits
- Spill Prevention
- Environmental Training
- Permitting
- Waste Management Plans or Studies
- Establish/operate HAZMAT, electronics, CRT, battery or chemical recycling programs

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## Environmental Schedule NAICS

541620 Environmental Consulting Services  
562920 Material Recovery Facility  
562112 Hazardous Waste Collection  
541380 Testing Labs *[check scope]*  
562910 Remediation Services

Handout C: NAICS Code Cross-Reference

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### Not Environmental Schedule

- \*Any task typically requiring construction (Davis-Bacon) labor categories (e.g., lead paint/asbestos removal)
- \*Architect & Engineer contracts
- \*Mapping (Part 36, Brooks Act)
- \*Remediation requiring construction
- \*Radioactive/nuclear waste
- \*Office trash and land-fill items
- \*Water purification equipment

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### MOBIS Services

(now including Training from Schedule 69)

- 874-1 Consulting Services
- 874-2 Facilitation Services
- 874-3 Survey Services
- 874-4 Instructor Led Training, Web Based Training & Education Courses, Course Development and Test Administration
- 874-5 Support Products
- 874-6 Acquisition Management Support
- 874-7 Program Integration and Project Management Services

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### Some MOBIS Tasks

- Quality Management
- Business Process Re-engineering
- Strategic & Business Planning
- Benchmarking
- Procurement Training (1102, COR, PM)
- Competitive Sourcing
- Activity-Based Costing
- Financial Management Analysis (related to mission improvement effort)<sup>27</sup>

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### More MOBIS Task Examples

- Statistical Process Control
- Surveys
- Individual & Organizational Assessments & Evaluation
- Business Management Strategies (Six Sigma, etc.)
- Process Modeling and Simulation
- Performance Measurement
- Contract Specialist Support

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### Not Within MOBIS Scope

- × Financial Management, Financial Audits
- × Engineering Services
- × IT Systems Integration, Network Services
- × IT Hardware/Software not specifically related to MOBIS consulting/project management efforts
- × Administrative Support (unless directly related to MOBIS consulting/project management efforts)
- × Human Resources Services/HR ADR
- × Inherently Governmental Functions/Organizational Conflict of Interest (esp. in 874-6 acquisition support)

MOBIS Focus = Management, Not Contracting for Daily Operations 29

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### MOBIS Acquisition Support BPAs for GSA Ordering Offices

- Single Award Blanket Purchase Agreement with Integrity Management Consulting, Inc., under SIN 874-6 Acquisition Management Support
  - Important Considerations – Conflicts of Interest, Services are not Inherently Governmental, and Non-Personal Service
- BPA PCO Nick West  
nicholas.west@gsa.gov

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## Advertising & Marketing

- 541-1 Advertising Services
- 541-2 Public Relations Services
- 541-3 Web-Based Marketing Services [SB]
- 541-4 Specialized Marketing Services [SB]  
(multiple SINS)
- 541-5 Integrated Marketing Services

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## Financial & Business Solutions

- 520-1 Program Financial Advisor
- 520-2 Transaction Specialist
- 520-3 Due Diligence & Support
- 520-4 Debt Collect
- 520-5 Loan Servicing & Asset Management
- 520-6 Professional Legal Services
- 520-7 Financial & Performance Audits
- 520-8 Complementary Audit Services
- 520-9 Recovery Audits
- 520-10 Transportation Audits [SB]
- 520-11 Accounting
- 520-12 Budgeting

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## FABS (continued)

- 520-13 Complementary Financial Management
- 520-14 Audit & Financial Training Service [SB]
- 520-15 Recurring Commercial Financial Management  
Services
- 520-16 Business Information Services
- 520-17 Risk Assessment & Mitigation Services
- 520-18 Independent Risk Analysis
- 520-19 Data Breach Analysis
- 520-20 Comprehensive Protection Solutions
- 520-21 Program Management

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### Other Schedules With Services

- Facilities Maintenance & Management (03FAC) [also includes Ancillary Repair & Alteration]
- Office, Imaging, and Document Solutions (36)
- Transportation, Delivery, and Relocation Services (48)
- Information Technology (70)
- Security [and other services] (84)
- Temporary Staffing (736)
- Human Resources & EEO (738X)

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### Ordering Procedures & Contract Issues

- Schedules as Priority Source
- Scope Issues
- Ordering (RFQ Process, Quotes, Evaluation)
- Types of Orders
- GSA Orders vs. Open Market Procurement
- "Other Direct Costs"
- Limited Sources?
- GSA Task Order Checklist (Not FAR Part 15)
- NAICS and Size
- Pricing Issues
- Protests
- Schedules Contracting Overview
- What Does the Schedule Contract Say?

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### Priority Sources – Services ...Not Mandatory Use, But...

- AbilityOne = JWOD (NIB, NISH, etc.)
- Federal Supply Schedules 
- Federal Prison Industries (UNICOR) or other commercial sources

Shall Consider Schedules Before Open-Market Service Sources  
(FAR 8.002)

*How have you documented your contract file to show Schedules were considered in preference to lower-ranking acquisitions?  
(How has FAR 8.002 compliance been documented in your file?)*

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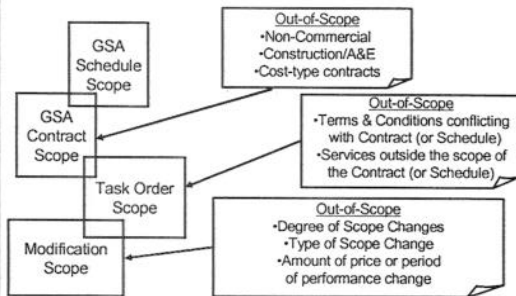
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## In-Scope or Out-of-Scope?



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## Some Limitations

- Broad Acquisition Limitations
  - Commercial Services (FAR 2.101)
  - Personal Services (FAR 37.104)
  - Inherently Governmental Functions (FAR 7.503)
- Schedules Program Limitations
  - Architect/Engineer Contracts (FAR 36.601-4)
  - Cost-Reimbursement Type (FAR 16.3)
  - Construction (FAR 2.101) except for Ancillary Repair & Alteration under limited conditions
  - Services Limited by the SIN Description

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## Scope Determination Steps

- Search GSA *eLibrary* for keywords in the SIN descriptions
- Read about that Schedule (references, FAQs, POC) at that Schedule's web page at [gsa.gov](http://gsa.gov) (not *eLibrary*, see the Handout B web links)
- Read scope pages in that Schedule's standing RFP on FedBizOpps. There's more to scope than a few *eLibrary* sentences!
- Use keywords from your PWS in the *Region 10 Advanced Search of GSA Advantage!*  
<http://sites.google.com/site/gsa-region10/>
- Talk to your GSA Customer Service Director ([www.gsa.gov/csd](http://www.gsa.gov/csd)) or Schedule Contracting Officer

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### Scope Determination Pitfalls

- Failure of Ordering Officer to Show Schedule and SINs on RFQ
- "Whatever GSA Schedule You Have" (the chosen contractor)
- "Labor Category Shopping" rather than determining the SINs required to accomplish the PWS.
- "Schedule A or Schedule B" (treating Schedule scopes as interchangeable), although there is some overlap

**"Wrong Schedule" Order is Protestable by  
"Right Schedule" Contractor**

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### Basic Schedule RFQ Process

- Requirements Identification
- Acquisition Planning
- Market Research
- Develop Performance Work Statement
- Develop & Distribute RFQ(w/ Eval Factors)
- Evaluate Quotes Received
- Task Order Award

RFI/Draft RFQ

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### Prepare & Distribute RFQ

- Select non-conflicting order clauses & provisions (FAR clauses for generic "commercial" services in Schedule contract already) from FAR/Supplement/local
- Determine Schedule(s)/SIN(s) required for PWS
- Define quote submittal requirements (instructions) and deadline
- Service Contract Act (Davis-Bacon for Ancillary R&A) applicable?
- Obtain necessary approvals (non-DoD\*, Advisory & Assistance, legal, T&M\*\*, etc.)
- Provide to at least 3 Schedule holders (e-mail, eBuy, fax)

\*Above SAT, See DFARS 217.78

\*\*See FAR 16.6(d)/DFARS 216.601(d)

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## Contents of RFQ for GSA Task Order (Keep It Simple)

Handout  
F

1. What Will the Contractor Do? (PWS)
2. What Does the Government Think is Important for Award? (Evaluation Factors – No Subfactors!)
3. What Does the Government Need to See? (Quote Submittal Instructions)
4. What Are the Order's Terms & Conditions (if any) Not Already in the Schedule Contract? (add non-conflicting clauses)
5. Which Schedule(s) and SINs Are Required by the Gov't to Meet PWS Requirements?

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## Schedule Ordering (FAR 8.405-2)

FSS orders considered to be issued using full and open competition.

- Up To Micropurchase: Place orders with any Schedule contractor, but should "rotate" buys.
- Micropurchase to Maximum Order Threshold (MOT): Provide RFQ (PWS + Eval Factors + Submittal instructions) to at least three contractors\*
- Above MOT or if establishing BPA: As above plus an "appropriate number of additional contractors"

\*For DoD >\$100K, reasonably ensure at least 3 quotes received or use eBuy (DFARS 208.405-70 & PGI 208.405-70)

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## Receive & Evaluate Quotes

- Oral Quotations?
- Clarification of Minor Irregularities & Errors
- Technical Review
- Past Performance Review (include EPLS check but not Responsibility Determination)
- Communications (Not "Conducting [Part 15] Discussions")
  - Discount from GSA Schedule Price
  - Reasonableness of Labor Mix/Total LOE

Evaluate Solely on Evaluation Criteria

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### Best Value Evaluation

- The expected outcome of an acquisition that, in the Government's estimation, provides the greatest overall benefit in response to the requirement.
- Best Value Continuum: From *price predominates* (Low-Price Technically Acceptable) to *technical/past performance predominates* (Full Tradeoff)
- Best Value permits tradeoffs between price and non-price factors as part of Risk Analysis. The ordering activity may be willing to pay more for (show relative importance in RFQ):
  - Achieving Socioeconomic Objectives (but not "Set Aside" Task Orders)
  - Better Past Performance
  - Better Technical Approach
  - Better Management Capability

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### Level of Effort Task Orders

- Time & Material [FAR 16.601]
  - Direct labor at fixed, hourly, fully-burdened rates
  - Materials at cost and handling costs
- Labor Hour [FAR 16.602]
  - Like T&M, but contractor supplies no materials
- Fixed Price is preferred over LOE
  - Requires more surveillance and control than FFP
  - Use only where duration and extent of work cannot be estimated
  - CO determination for T&M, sometimes higher approval, required [FAR 12.207(b) & 16.601(d) D&F both in addition to 8.405-2(e)(7) rationale]
  - Include ceiling price contractor exceeds at its own risk
  - If FY 2009 ARRA, requires additional publicizing if not fixed-price [FAR 8.404(e)(1)]

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### GSA Orders (vs. Open Market)

- No FedBizOpps synopsis for GSA Orders (except 2009 American Recovery & Reinvestment Act – FAR 8.404(e)(2))
- Prices on *FSS Authorized Price List* (GSA web-posted) already determined fair & reasonable, but Ordering Officer determines Best Value and reasonableness of overall LOE and labor mix.
- Competition (CICA) requirements already met, no competing outside Schedules
- Unrestricted (not "Set Aside" but can be eval factor), except for certain Schedules/SINs where award can be set-aside at Schedule level

### Handout D: Why Use Schedules?

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## Other Direct Costs (ODCs)

Our Three Categories of "ODCs":

1. Contract Support Items (on Schedule contract)
2. Open-market items ("Incidentals") (not on Schedule contract)
3. Reimbursables: Lodging, Transportation & Per Diem

- All ODCs must be within the scope of the contract and awarded SIN(s)...not "MOBIS laptops"
- ODCs support, are not the primary purpose of the order
- ODCs may not duplicate costs already included in the contract price
- ODC prices must be determined fair and reasonable by a CO somewhere (if not at Schedules level, then Task Order level)
- Contract clause 52.212-4 ALT I filled-in as Task Order issue for Other Direct Costs (and for Indirect Costs)

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## 1. Contract Support Items

- Commercial Items
- Items included in the MAS contract
  - Contract award or modification
  - Not to be separately ordered without the services
  - Can be included on orders like Schedule labor
- Items for which the Schedule CO has already determined the price fair and reasonable
- Example: items awarded, priced, and listed under a "Support Products" SIN (but a separate *product-only* SIN not required)

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## 2. Open-Market Items

("Incidentals" or "Non-Schedule Items")

- Items not awarded under that Federal Supply Schedule contract
- No assumption of price reasonableness (or scope!)
- Schedule T&Cs don't apply unless cited
- Open-market items purchased IAW all applicable acquisition regulations (FAR 8.402(f))
  - FAR Part 5 – Publicizing contract Actions
  - FAR Part 6 – Competition Requirements
  - FAR Part 12 – Acquisition of Commercial Items
  - FAR Part 13 – Simplified Acquisition Procedures
  - FAR Part 14 – Sealed Bidding
  - FAR Part 15 – Contracting by Negotiations
  - FAR Part 19 – Small Business Programs

**Can Be Mixed With Schedule Items ONLY if All  
Clauses Included and Ordering Officer Determines  
Prices Fair & Reasonable and Within Scope**

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### 3. Travel Reimbursables

- Federal Travel Regulation
  - 41 CFR, Chapters 300 – 304
  - Travel policies for Federal civilian employees and others authorized to travel at Gov't expense
- Joint Federal Travel Regulations
  - USC, Title 37 and 10
  - Availability of contract fares or prices to government contractors
- Local travel in the performance of a task order
  - Reimbursable IAW ordering agency regulations

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### FAR Parts Not Applicable to Schedule Orders/BPAs

- Synopsis requirements in Part 5 (exc. FY09 Recovery Act)
- All of Part 6 (8.405-6 is "Limiting Sources")
- All of Part 13 (except 13.303-2(c)(3))
- All of Parts 14 and 15
- All of Part 19 (except 19.202-1(e)(1)(iii))

However, if mixing open-market items (totaling over micropurchase) then all otherwise exempt regulations apply to those items.

FAR 8.404(a), 8.405-5(a), and 8.405-6(a)

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### How Can Need for Quoted Open Market Items Be Reduced?

- Contractor requests GSA CO to add to Schedule contract by modification
- Agency RFQ preference for all-Schedule order (Schedule contractors team with each other)
- Agency procures and furnishes items as GFP/GFE (need those provisions and clauses in Task Order)

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## GSA "Limited Source Justification"

(FAR 8.405-6)

- Only one source capable of responding due to the unique or specialized nature of the work
- New work is a logical follow-on to an existing order (excluding previous orders placed previously under "sole source" requirements)
- Item is peculiar to one manufacturer (a brand name item, available on various Schedule contracts, is an item peculiar to one manufacturer); or
- An urgent and compelling need exists and following the ordering procedures would result in unacceptable delays

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## Order Checklists

Found under "Documents" in *Reference Center* at GSA  
**Center for Acquisition Excellence:**

<http://cae.gsa.gov>

where you can take the free online course "Using GSA  
Schedules – Customer (Services)"

**OR**

We have a simplified version you can use...

Handout E: GSA Schedule Task Order File Checklist

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## Pricing in Task Order Quotes

- Compare with website-posted GSA Advantage® price list.
- Scrutinize non-Schedule services & items
- Question additional G&A, esp. on travel (paying twice? fully-loaded?)
- Don't pay a separate quoted "Industrial Funding Fee" (that 0.75% already included in contract price)
- Team Lead/SubK management, if any, as part of LOE
- If concerned about what is included in price, contact the Schedule CO
- Schedule contractors CAN discount from pricelist
- Contract labor rates assume "normal" bid & proposal expense -- may get "no quote" if unusual quote requirements for Task Order/BPA
- Can escalate order prices (NTE future Schedule price) for periods where Schedule option not yet exercised

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## GSA Schedule Contract Fundamentals

- Standing solicitation - offers accepted throughout the year with no closing date (uniform updating, mass mods conform all Schedule contracts to current posted RFP)
- Part 12 Multiple Award IDIQ (FFP w/EPA)
- Task Orders (FFP, LH, and/or T&M)
- Three 5-year option periods for 20 year total
  - Task Order performance could extend beyond since performance continues even if Schedule option not exercised (or contract terminated)
  - However, agency couldn't award new orders or BPAs without existing Schedule contract

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## Schedule Pricing & EPA Methods

### 1. Established Commercial Price List/Equivalent

*Requires a Modification Request from Contractor for Increase to Take Effect*

### 2. Negotiated Escalation Prior to Award

#### A. Fixed Escalation for Term of Contract (Multi-Year Pricing 20 Years)

*Price Increases Automatically Effective on the Anniversary of Contract (No Modification)*

#### B. Adjustments Based on Market Indicator (Yearly Mod)

*Based on a Published Index, Survey or Market Indicator*

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## Are Schedule Prices the Best Prices?

- **Contract Level**
  - Contract Pricing Objective: "Most Favored Customer"
  - Price Reductions Clause
  - Inspected during contractor assist visits
  - Ordering agencies pay no fee to GSA to use the Schedules directly [direct vs assisted acquisition]
- **Task Order Level**
  - Shall seek discounts (FAR 8.405-2(c)(3)) if:
    - Task Order exceeds "Maximum Order Threshold"
    - BPA regardless of estimated value
  - Encouraged to seek discounts for all orders
  - Make best-value determination, total price/LOE/labor mix reasonableness

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### NAICS Codes & Business Size

- **Schedule Contract Level**
    - Schedules have one or multiple NAICS Codes in RFP
    - Awarded with just one NAICS Code representing preponderance of work, determining contract size.
    - Size re-certified: only at 5-year option or merger/acquisition (not just outgrowing)
  - **Task Order Level**
    - NAICS Code on order must be one of those on that Schedule and must represent preponderance of work on order
    - Ordering Officer can re-certify size at order level: one size on Schedule contract and another size for order possible
  - **BPA Level**
    - NAICS Code & size *not relevant* (since order controls)
- 13 CFR §121.404 (71 FR 66443, eff. 6/30/2007) <sup>61</sup>

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### Think Simplified (Not FAR Part 15)

- No competitive range determination
- No "discussions"
- No "debriefings"
- Any (non-arbitrary, not biased) evaluation system
- Lack of past performance need not be neutral
- No price/cost realism analysis of Schedule rates
- Not a "negotiated procurement," not a "competition"
- Asking for Part 15-like quote details risks:
  - No quote
  - Held to Part 15 standards on protest

See Handout F on "Not Part 15"

<sup>62</sup>

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### Order Protests?

- Standing as interested party: must hold a Schedule contract
- Differing Agency/GAO/Court standards of review
- FAR 16.505(a)(9) grounds limitation doesn't apply
- Possible Grounds
  - Evaluation (inconsistent/bias/past performance)
  - Conflict of Interest/Incumbent preference
  - Procedural (looked like Part 15, e.g., debriefing)
  - Wrong Schedule
  - Non-Schedule purchases disguised as Schedule procurements (open market items violated CICA)

<sup>63</sup>

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## What Does the Schedules Contract Say?

### Where Can I Read the Contract Clauses?

Handout G

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## Search FedBizOpps Schedule RFP

- Standing solicitation periodically replaced (GSA says "refreshed")
- All contracts updated with mass modifications to match the most recent FedBizOpps-posted "refresh"
- "Solicitation" and "By Reference" documents as searchable *Word* or *PDF* documents
- Use <Edit> <Find> in *Word* or *PDF* <search> text box to locate words or phrases of interest.
- Good method both for numbered clauses and for other "free text" key words

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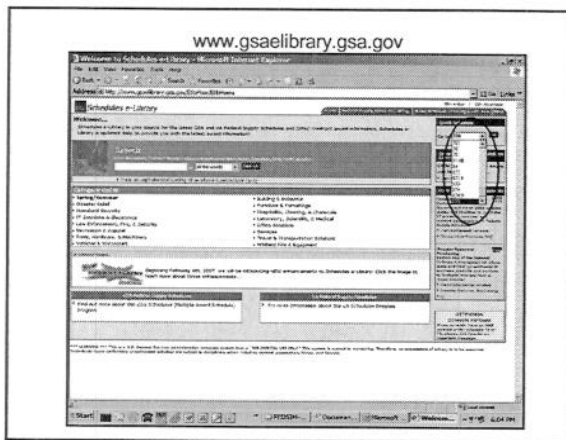
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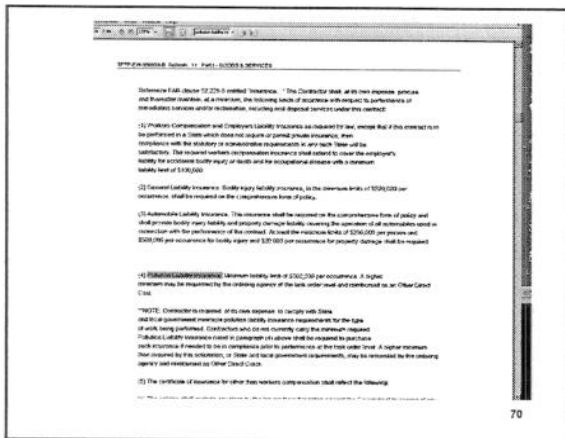
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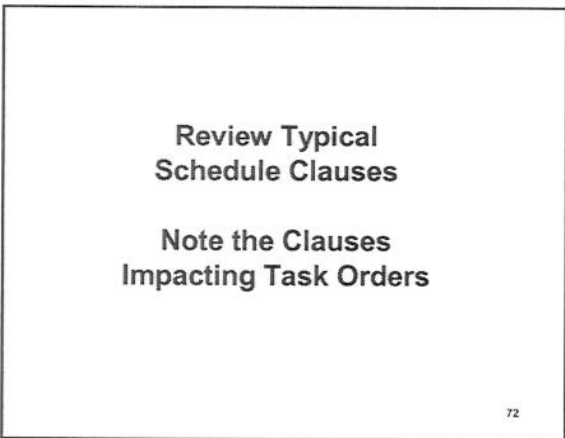
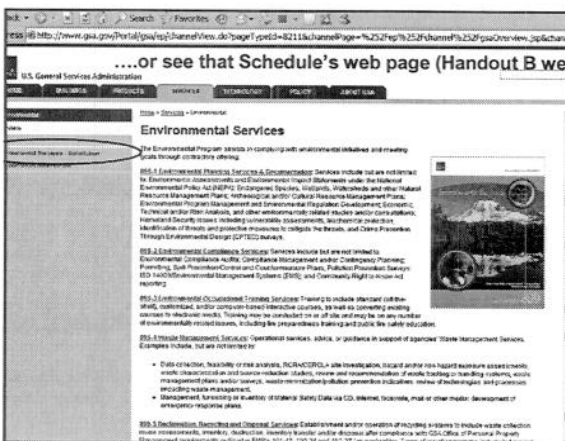
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### Ordering-Relevant Items in Contract Solicitation

- Table of Contents (or search in *Word/PDF*)
- SF1449 (Commercial Part 12, NAICS Code, Unrestricted)
- Additional scope information not found at *GSA eLibrary*
- FAR 52.212-4 and related Part 12 clauses
- "Maximum Order" for that Schedule described
- Economic Price Adjustment clauses  
(method/rate/timing/caps)
- Price Reductions clause not triggered by Federal orders
- Contractor Team Arrangements permitted
- Blanket Purchase Agreements permitted
- SubContracting Plan required for Large businesses
- Incorporates WDs for Service Contract Act for some  
Schedules [any Davis-Bacon WDs added at order  
level where Ancillary R&A permitted]

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### From the "Indefinite Quantity" Schedule Contract Clause

(d) Any order issued during the effective period of this contract and not completed within that period shall be completed by the Contractor within the time specified in the order. The contract shall govern the Contractor's and Government's rights and obligations with respect to that order to the same extent as if the order were completed during the contract's effective period.

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### From the "Performance Incentives" Schedule Contract Clause

- (a) Performance incentives may be agreed upon between the contractor and the ordering office on individual orders or Blanket Purchase Agreements under this contract in accordance with this clause.
- (b) The ordering office must establish a maximum performance incentive price for these services and/or total solutions, on individual orders or Blanket Purchase Agreements.
- (c) Incentives should be designed to relate results achieved by the contractor to specified targets. To the maximum extent practicable, ordering offices shall consider establishing incentives where performance is critical to the agency's mission and incentives are likely to motivate the contractor. Incentives shall be based on objectively measurable tasks.

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## Two Flexible Schedule Tools

1. Blanket Purchase Agreements (BPAs)
2. Contractor Teaming Arrangements (CTAs)

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## Why Establish a Schedule BPA?

- Opportunity to negotiate better discounts
- Satisfy recurring requirements
- Reduce administrative burden
- Leveraging buying power through volume
- Support field offices/other contracting offices
- Quicker order turn-around
- Can incorporate non-conflicting terms & conditions
- Can include contractor teaming
- No funding required to establish BPA
- No synopsis (except FY09 ARRA), no competition outside Schedules to establish or use BPA

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## Blanket Purchase Agreements

- Simplified Acquisition Method
- Anticipated Repetitive Needs
- Qualified Source(s)
- Single or Multiple Award
- Not a "Contract" for most FAR purposes

### The Contractor's Perspective

- Recurring source of orders
- Volume
- Quicker turnaround on orders
- Expectation of price discounting

### The Government's Perspective

- Flexibility in exact services, LOE, and period of performance
- Efficiencies by having summary invoicing and consolidated payment
- Expectation of best pricing for each Task Order

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### What's in a BPA?

- Scope
- Estimated value/level of effort (not ceiling)
- Duration
- GSA Schedule(s) & Contract(s)
- Participating offices/agencies
- Invoicing/billing procedures
- Ordering procedures (*if multi-award*)
- Terms & conditions
- Discount terms
- Types of orders to be placed
- BPA Termination

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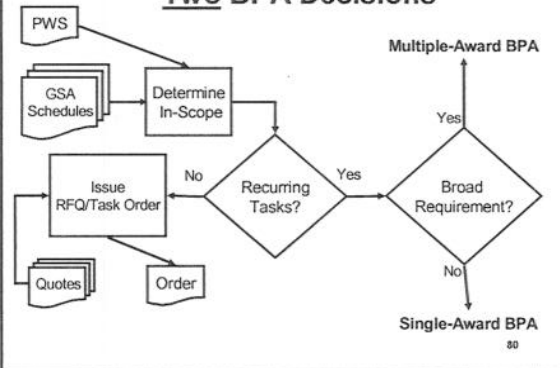
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### Two BPA Decisions




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### Single-Award BPA

1. Issue BPA RFQ (PWS)
2. Receive & Evaluate BPA Quotes
3. Award One BPA

Then, for Each Recurring Task:

1. Issue Task Order RFQ (PWS) to sole BPA-holder
2. Evaluate the Quote
3. Award Task Order

One Best Value Evaluation: Who Gets the BPA?

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## Multiple-Award BPA

1. Issue BPA RFQ (PWS)
2. Receive & Evaluate BPA Quotes
3. Award Multiple BPAs

Then, for Each Recurring Task:

1. Develop Task Order Evaluation Criteria
2. Issue Task Order RFQ (PWS) to "an appropriate number" of BPA-holders (FAR 8.402-3(b)(2))\*
3. Evaluate the Multiple Quotes: Best-Value Source Selection
4. Award Task Order

\*To "all BPA holders" if DoD (DFARS PG)

*Two Best Value Evaluations: Who Gets the BPA? Who Gets the Task Order?*

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## What is a Schedule Contractor Teaming Arrangement?

- Defined: Arrangement between two or more Schedule contractors working together to meet agency requirements.
- Don't be confused by FAR SubPart 9.6, a non-Schedules definition that includes joint ventures and subcontracting as "teaming"
- GSAR 538 (rewrite) clause will call this "Contractor Partnering Arrangement (CPA)"

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## Benefits of Contractor Teaming Arrangements

- Reduction in Open Market Items
- Allows Additional Opportunities for Small Businesses
- Increases Probability of Complimentary Capabilities by Contractors
- All-Schedule Solution Possible

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## Two Ways to Satisfy Multi-Domain (Schedule/SIN) Requirements

- One GSA Contractor holds all needed domains, so teaming not required:
  - As separate single-Schedule contracts, and/or
  - On the Consolidated Schedule

OR

- GSA Schedule holders team across domains

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## Annual Top Ten GSA Contractors

	70	871	574	574V	899
	IT	PES	MOBIS	LOG	ENV
Company A	X				
Company B	X	X	X	X	
Company C	X	X	X		
Company D	X	X	X	X	X
Company E	X	X	X	X	X
Company F	X		X		
Company G	X	X	X	X	X
Company H	X	X	X	X	
Company I	X	X	X	X	X
Company J	X	X	X		

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## Consolidated Schedule

- Only for contractors with two or more (of the 13 eligible) Schedules (e.g., PES and MOBIS)
- One GSA contract, so just one Task Order for agency to award/administer
- Contractor can offer their entire business line on a single contract
- Includes most service Schedules and some related product Schedules (including IT)

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### Subcontracting vs "Teaming"

- Only Prime must have a Schedule contract
- Only Prime has privity of contract (and interface) with Government
- Ordered and invoiced at Prime's Schedule rate (less discount)
- Limited to SINs and labor categories on a single Schedule contract
- Prime can't "delegate" responsibility
- Each Team Member must have a Schedule contract
- Each Team Member has privity of contract (and can interface) with Government
- Ordered and invoiced at each Team Member's Schedule rate (less discount)
- Total Schedule solutions possible
- Each member can be responsible for particular duties in a teaming agreement

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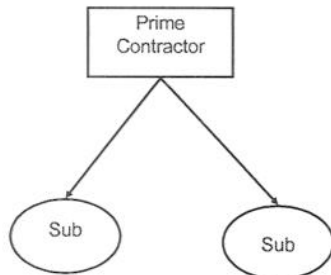
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### Prime/Subcontractor Relationship



BPA's/Orders Only to Prime (Schedule Contractor) 89

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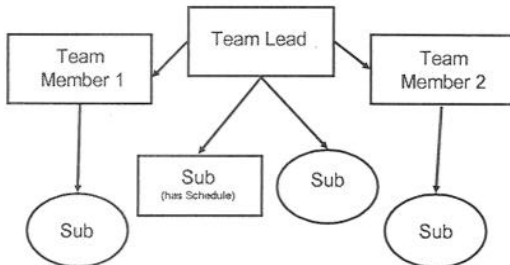
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### MAS Teaming and Subcontracting



Schedule Teaming Requires Teaming Agreement 90

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### MAS CTAs

- Team Leads & Members must have GSA Schedule and use their Schedule rates
- Contractor Teams are issued one BPA
- Could include subcontractor effort, as long as mapped to their Prime's Schedule labor category
- If Multi-Award BPA, Teams compete for Task Orders
- Task Orders can be issued to Team Lead or directly to each Team Member, per Agreement
- Decision to team or not is entirely up to contractors, not ordering activity

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### MAS CTAs

- Not a separate legal entity but acts *like* joint venture
- Include Teaming Agreement with quote for agency review
- Government incorporates that agreement into BPAs/orders
- Can reduce the need for open market items!

Best Practice: Make sure the contract number for *each team member* contributing to a task order is cited on the order(s).

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### How Do You Know WHAT It Is?

- Is there an Agreement? (But it may be a Subcontracting Agreement called "Teaming")
- Who is Paying the Industrial Funding Fee to GSA for that Task Order?
- What Does the Task Order look like?
  - How many Schedule contract numbers are there?
  - Whose labor categories appear on the Task Order?

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## Teaming Agreement Highlights

- Identify Parties (Members and Lead)
- Teaming Activities (w/ responsibilities, like communication)
- Type & Duration of Agreement
- CTA Terms (Team Management fee?)
- Ordering Procedures
- Team Lead & Team Member Duties (on PWS)
- Pricing, Invoicing, and Payment
- Performance Responsibility/Evaluation
  - Whose PPIRS reports card? (reqd > \$100k, FAR 8.406-7)
- Reporting Sales to GSA
- Who Signs Modifications to BPA/Order?
- Confidential Information

Agreement is solely between the Members - - can't conflict with their individual contracts.

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## Helpful Websites on BPAs/CTAs

- Using GSA Schedules – General Information/FAQs
  - [www.gsa.gov/schedules](http://www.gsa.gov/schedules)
- Blanket Purchase Agreements
  - [www.gsa.gov/bpa](http://www.gsa.gov/bpa)
- Contractor Teaming Arrangements
  - [www.gsa.gov/cta](http://www.gsa.gov/cta)
- Consolidated Schedule Information
  - [www.gsa.gov/consolidated](http://www.gsa.gov/consolidated)

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## Need More Information?

- FAR SubPart 8.4
- *MAS Desk Reference (2008)*
- GSA eTools
- GSA websites ([www.gsa.gov/schedules](http://www.gsa.gov/schedules), esp. FAQs)
- GSA Customer Service Director ([www.gsa.gov/csd](http://www.gsa.gov/csd))
- Blogs, Podcasts & Webinars
  - <http://blogs.gsa.gov/blogs/servicesordering.nsf>
- EXPO and other in-person training events
- Online services ordering course (<http://cae.gsa.gov>)

Handout H: Resources for Additional Training

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### What's New in 2009-2010?

- 2009 Recovery Act evolving
- FAR Part 51 deviation coming to allow contractor ordering
- More "Competition" in Schedules Ordering (FAR Case 2007-012, more impact on civilian agencies)
- Other pending FAR cases impacting Schedules ordering:
  - Schedules as priority source in 8.002 (2009-024)
  - Commercial services definition (2008-034)
  - Interagency contracts (2008-032)
  - Conflicts of interest for acq functions (2008-025)

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### Thanks!

**Dan Briest & Brad Powers**

**R10.Webinar@gsa.gov**

<http://blogs.gsa.gov/blogs/servicesordering.nsf>

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### Closing Webinar Administration

- Fax Training Survey (1/person) and Sign-In Sheet (1/location) today to the fax number on the sheets
- Unanswered questions will get written answers posted to the blogsite next month (December 2009)
- Audio will be linked from the blogsite next month too.
- Certificates will be e-mailed next month to the e-mail address you neatly printed on the Sign-In Sheets you fax today.

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# Training Course Survey

Please take a moment to tell us what you think. Your opinions are valuable in assisting us to improve our training services to you.

## INSTRUCTIONS:

- Please use pencil or dark color pen to complete this survey.
- Make heavy, dark marks.
- Do not use ✓'s or X's to indicate your responses.

RIGHT		
<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>

WRONG			
<input checked="" type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>

I am with the: (Select one)

- |                                 |  |  |
|---------------------------------|--|--|
| <input type="radio"/> Army      | <input type="radio"/> Other DoD                | <input type="radio"/> Other (please indicate): _____ |
| <input type="radio"/> Navy      | <input type="radio"/> DHS                      |  |
| <input type="radio"/> Air Force | <input type="radio"/> DVA                      |  |
| <input type="radio"/> Marines   | <input type="radio"/> State & Local Government |  |

Please print your badge number in the boxes

BADGE NUMBER (if applicable):

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

Please indicate the extent to which you agree or disagree with each of the following statements.

1. The objective of the session was clear.
2. The objective of the session was met.
3. Overall, the content presented was professionally beneficial to me.
4. The instructor made the course content understandable.
5. The instructor was knowledgeable in the subject matter.
6. Overall, the instructor's presentation was effective.

	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree
SA	A	N	D	SD	
SA	A	N	D	SD	
SA	A	N	D	SD	
SA	A	N	D	SD	
SA	A	N	D	SD	
SA	A	N	D	SD	

7. Do you have recommendations for a class during future sessions?

(Recommendations) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

8. If you would like someone from GSA to contact you, please provide the following information:

\_\_\_\_\_  
Name E-mail Telephone

★ Thank you for taking the time to assist us in making these courses even more beneficial. ★